## REMARKS/ARGUMENTS

Claims 1-14 and 16-21 remain in this application.

**Rejection Under 35 USC 103**

I

Claims 1-14 and 16-20 were rejected under 35 USC 103(a) as being unpatentable over Zhang et al. (U.S. Patent No. 6,245,347) in view of Fujiwara (U.S. Patent No. 4,205,957). See Page 2 of the Office Action. These claims, however, were indicated as being allowed on the cover sheet of the Office Action. Applicants, therefore, respectfully request clarification on the rejection. The Office Action also failed to address the amendments and arguments put forth by Applicants in the amendment filed on May 5, 2003. Specifically, Applicants amended claim 1 to recite that that the device comprises a plurality of liquid reservoirs. As previously stated, neither Zhang et al. nor Fujiwara discloses a device comprising a plurality of liquid reservoirs. As set for on page 19 of the specification, one benefit of having a plurality of liquid reservoirs is that "[e]ach liquid reservoir may be individually ruptured at a predetermined time by the user as needed. An enhanced delivery of active will follow each rupturing of the liquid reservoir for a certain period of time, thus, also resulting in a pulsatile delivery profile." As stated above, such a controlled delivery device is not taught, nor suggested, by Zhang et al. nor Fujiwara. These amendments and remarks were not addressed in the "Response to Arguments" set forth on page 4 of the Office Action.

II

Claims 21 and 22 were also rejected under 35 USC 103(a) as being unpatentable over Zhang et al. in view of Fujiwara. See Pages 3-4 of the Office Action. Applicants respectfully disagree. Also, claim 22 indicated as being allowed on the cover sheet of the Office Action. Applicants, therefore, respectfully request clarification on this rejection.

Claims 21 and 22 recite a device exothermic device comprising a liquid reservoir which is a capsule comprising a sealed orifice that ruptures upon increased pressure. Upon the rupturing, water is released from the capsule through the ruptured orifice and contacts the heating element and the oxygen to create an exothermic

reaction. According to the Office Action, "it would have been obvious to one of ordinary skill in the art to have multiple orifices that rupture upon increased pressure and it would have been obvious to one of ordinary skill in the art to have multiple orifices as a way to control the amount of heat and the duration of the heat." See page 4 of the Office Action. The Office Action, however, fails to disclose where in Zhang et al. or in Fujiwara it actually discloses the user of a sealed orifice that ruptures upon increased pressure.

Further, as discussed on page 18-19 of the specification, a potential benefit of the use of repturable orifices is that the delivery rate of the liquid can be controlled by the size and number of the aforementioned orifices, as opposed to fully rupturing the capsule which can result in most or all of the liquid exiting the capsule.

Accordingly, Applicants respectfully request that the above rejection under 35 USC 103(a) be withdrawn, and Applicants respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

By: _____
William McGowan
Reg. No. 39,301

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-2197
Dated: November 10, 2003